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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2616

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,689	Applicant(s) WING, DANIEL G.	
	Examiner Brian D. Nguyen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

1. The drawings are objected to because in Figure 2, "TTL=X=X+1", for example, should be changed to --TTL=X+1--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 9, 29, and 30-38 are objected to because of the following informalities:

Claim 9, lines 5, 6, and 7, it is suggested to replace "second set of media trace packets" with --second set of the media trace packets--.

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Claim 29, lines 3, 5, 6, and 7, it is suggested to replace "media trace packets" with --the media trace packets--.

Claim 30, line 1, it is suggested to replace "A computer readable medium for analyzing a media path in a packet switched network" with --A computer readable medium having stored thereon computer executable instructions for analyzing a media path in a packet switched network that, when executed by a processor, caused the processor to perform the method of:--.

Claim 38, lines 3, 5, 6, and 7, it is suggested to replace "media trace packets" with --the media trace packets--.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-7, 20, 24-27, and 33-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 2, "...causing the destination endpoint" is unclear.

Claim 20 recites the limitation "the modified TTL values" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 24, line 3, "...causing the destination endpoint" is unclear.

Claim 33, line 3, "...causing the destination endpoint" is unclear.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7, 9-27, 29-36, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Selvaggi et al (2004/0193709).

Regarding claim 1, Selvaggi discloses a method for analyzing a media path in a packet switched network, comprising: varying a Time To Live (TTL) value in media trace packets to intentionally cause faults at intermediate nodes in the media path; and analyzing fault notices received from the intermediate nodes in the media path caused by the media trace packets (paragraph 0051).

Regarding claim 2, Selvaggi discloses formatting the media trace packets as a Real Time Protocol (RTP) payload packet that travel along the same media path as RTP payload packets containing media content (paragraph 0051)

Regarding claim 3, Selvaggi discloses conducting a media signaling protocol that establishes the media path between a source and destination endpoint; using a same media header format for the media trace packets and media payload packets; and setting a first set of TTL values in the media trace packets to a low enough value to cause a fault condition in one of the intermediate modes in the media path (Fig. 5; paragraphs 0009, 0050 and 0051).

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Regarding claim 4, Selvaggi discloses setting a second set of TTL values so that at least some of the media trace packets reach the destination endpoint causing the destination endpoint (paragraph 0051).

Regarding claim 5, Selvaggi discloses setting a member bit in the media trace packets that cause the destination endpoint to generate a media path analysis report for the media trace packets (paragraph 0051).

Regarding claim 6, Selvaggi discloses using a Real Time Control 10 Protocol (RTCP) report for the media path analysis report (paragraph 0051).

Regarding claim 7, Selvaggi discloses determining whether or not to transmit a media stream over the media path according to contents of the media path analysis report (paragraphs 0009 and 0012).

Regarding claim 9, Selvaggi discloses setting a first TTL value in a first set of the media trace packets that cause a first intermediate node in the media path to reject the first set of media trace packets and send back a first rejection notice; and setting a second larger TTL value in a second set of media trace packets that allow the first intermediate node to forward the second set of media trace packets while causing a second intermediate node in the media path to reject the second set of media trace packets and send back a second rejection notice (paragraph 0051).

Regarding claim 10, Selvaggi discloses a network processing device, comprising: a processor establishing a media session over an Internet Protocol (IP) network and modifying a Time To Live (TTL) value for a media trace packet that intentionally causes rejection by an intermediary node used in the media session (paragraph 0051).

Regarding claim 11, Selvaggi discloses the TTL value is automatically decremented by each intermediary node receiving the media trace packet and any intermediary node decrementing the TTL value to zero automatically rejects the media trace packet and sends back a rejection notice (paragraph 0051).

Regarding claim 12, Selvaggi discloses the processor receives a rejection response for the media trace packet and either modifies a media path for the media session or modifies the TTL value according to the rejection response (paragraph 0051).

Regarding claim 13, Selvaggi discloses the processor sends out media payload packets containing an actual media payload with unmodified TTL values, the processor interjecting the media trace packets in the media session with the media payload packets when a trigger event is detected (paragraphs 0009-0017).

Regarding claim 14, Selvaggi discloses the processor identifies the trigger event from a Real Time Control Protocol (RTCP) report (paragraph 0051).

Regarding claim 15, Selvaggi discloses the processor modifies the TTL values in media no-op packets that are formatted as media payload packets that contain no actual media payload (paragraph 0051).

Regarding claim 16, Selvaggi discloses the media session is a Real Time Protocol (RTP) media session and the media trace packets are formatted as RTP packets (paragraph 0051).

Regarding claim 17, Selvaggi discloses an intermediary node in an Internet Protocol (IP) media session, comprising: a processor configured to receive media payload packets during a media session containing Time To Live (TTL) values intentionally set so the media payload packets are discarded prior to being received by a destination endpoint in the media session, the

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processor decrementing the TTL values, discarding the media payload packets when the decremented TTL values are zero, and sending out a rejection notice for any discarded media payload packets (paragraph 0051).

Regarding claim 18, Selvaggi discloses the media payload packets are Real Time Protocol (RTP) packets that do not contain a media payload (paragraph 0051).

Regarding claim 19, Selvaggi discloses the processor also receives conventional RTP packets during the same media session that contain an actual RTP media payload and large enough TTL values to allow the RTP packets to reach the destination endpoint, the processor decrementing the TTL values in the conventional RTP packets and forwarding the conventional RTP packets toward the destination endpoint (paragraph 0051).

Regarding claim 20, Selvaggi discloses the RTP packets with the modified TTL values enable passage through a firewall between a source endpoint and a destination endpoint for the media session (paragraph 0051).

Regarding claims 21-27 and 29, claims 21-27 and 29 are system claims that have substantially the same limitations as the respective method claims 1-7 and 9. Therefore, they are subject to the same rejection.

Regarding claims 30-36 and 38, claims 30-36 and 38 are computer readable medium claims that have substantially the same limitations as the respective method claims 1-7 and 9. Therefore, they are subject to the same rejection.

Claim Rejections - 35 USC § 103

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 28, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selvaggi in view of Barrack et al (2004/0008715).

Regarding claims 8, 28, and 37, Selvaggi does not specifically disclose causing the media trace packets to play out low volume noise when received by a destination endpoint. However, playing out low volume noise when received by a destination endpoint is well known in the art. Barrack discloses performing comfort noise insertion (paragraphs 0012 and 0088). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to insert the comfort noise for playing out at the destination as taught by Barrack in the system of Selvaggi in order to avoid annoying the listener.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

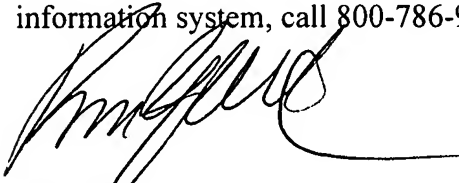
Cookmeyer II et al (6,526,044), Yik et al (2004/0170163), Bearden et al (2003/0097438), and Laing et al (2003/0208616).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



12/10/07

BRIAN NGUYEN